

Maine Revised Statutes
Title 34-A: CORRECTIONS
Chapter 1: GENERAL PROVISIONS

§1814. ENFORCEMENT AUTHORITY

1. Board actions. A county jail that violates a provision of this subchapter may be subject to the following as determined by the board:

A. Holding in escrow appropriations otherwise due to a county jail; [2013, c. 598, §27 (NEW) .]

B. Making a county jail facility ineligible for participation in programs; [2013, c. 598, §27 (NEW) .]

C. Suspending or denying funding; [2013, c. 598, §27 (NEW) .]

D. Requiring a county jail to transfer funds collected pursuant to Title 30-A, section 701, subsection 2-A to the State Controller to be credited to the State Board of Corrections Operational Support Fund program in an amount sufficient to cover any sums due to the board, the state or the other counties; and [2013, c. 598, §27 (NEW) .]

E. If the county jail facility is a habitual violator, restricting or modifying the operations of the county jail facility and making a request to the department to take over the management and control of the county jail facility and its staff and inmates. For purposes of this paragraph, "habitual violator" means a county jail facility with 3 or more violations of this subchapter. The board shall adopt rules to implement the provisions of this paragraph. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [2013, c. 598, §27 (NEW) .]

A county that violates this subchapter is responsible for all costs incurred by the State or other counties as a result of the violation, and the board may reallocate that county's appropriations during the time the county remains in violation of this subchapter.

[2013, c. 598, §27 (NEW) .]

2. Withdrawal from correctional system prohibited. A sheriff or a county commissioner may not withdraw a county jail facility from the coordinated correctional system or refuse to house any out-of-county inmates except in cases of jail overcrowding as determined by the department. Any disagreement or dispute by a county with the board is subject to mediation proceedings developed pursuant to this subchapter. This subsection does not prohibit a party from petitioning a court for relief at any time.

[2013, c. 598, §27 (NEW) .]

For purposes of this section, a violation of this subchapter includes a violation of a rule adopted by the board pursuant to this subchapter. [2013, c. 598, §27 (NEW) .]

SECTION HISTORY

2013, c. 598, §27 (NEW) .

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